

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

Pursuant to the Public Notice released August 6, 2001,^{1/} AT&T Wireless Services, Inc. ("AWS") hereby submits its comments in support of the petition for waiver of the Phase II E911 rules filed by ALLTEL Communications, Inc ("ALLTEL").^{2/} Like AWS and many other wireless carriers, ALLTEL has learned that Phase II deployment consistent with the Commission's timelines is nearly impossible given the current state of Phase II location technologies. ALLTEL's waiver request underscores the problems that carriers face if they rely upon vendor claims about the availability and accuracy of their solutions, and demonstrates that the Commission should not rely on similar claims as it evaluates requests for waivers of its Phase II E911 rules.

ALLTEL's request also reinforces that there is a direct relationship between accuracy performance, channel width, and the air interface in question, i.e., more accurate results can be obtained on a CDMA system with 1,200 kilohertz channels than on systems using narrower

^{1/} See Public Notice, WTB Seeks Comment on Wireless E911 Phase II Waiver Request Filed by ALLTEL Communications, Inc. CC Docket No. 94-102 (rel. August 6, 2001).

^{2/} ALLTEL Communications, Inc. Petition for Waiver of Sections 20.18(e) and (g) of the Commission's Rules, filed July 25, 2001 ("ALLTEL Petition").

channels like TDMA (30 kilohertz). As the Commission considers each carrier-specific waiver request, it should make individual determinations about what is acceptable accuracy performance given the potential of each air interface.

DISCUSSION

Generally, the Commission's rules may be waived when there is good cause shown and when "special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest."^{3/} In the context of the Phase II E-911 rules, the Commission has recognized that there may be instances where "technology-related issues" or "exceptional circumstances" make it impossible for a wireless carrier to deploy Phase II by October 1, 2001, and individual waivers could be granted in these circumstances.^{4/} The Commission indicated that a request for such a waiver of the Phase II implementation rules should be "specific, focused and limited in scope, and with a clear path to full compliance."^{5/}

Applying these standards, the Commission granted a Phase II waiver to VoiceStream Wireless. The Commission found that VoiceStream's proposal could offer "significant public safety benefits" by immediately providing a level of accuracy and reliability greater than that provided under Phase I, while also ensuring the rapid initial deployment of ALI capability, with a relatively brief transition to even more precise levels of accuracy.^{6/} The Commission also found that VoiceStream had satisfied the "special circumstances" requirement because the

^{3/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, ¶ 43 (rel. Sept. 8, 2000) ("Fourth MO&O") (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{4/} Id. at ¶ 43.

^{5/} Id. at ¶ 44.

^{6/} Id. at ¶¶ 57-60.

Network Software Solution/Enhanced Observed Time Difference of Arrival (“NSS/E-OTD”) approach it proposed to use “may be the only ALI solution available in the near term for GSM carriers.”^{7/}

ALLTEL now makes an equally compelling case for a waiver of the Phase II E911 rules. Specifically, ALLTEL requests a limited waiver to permit it to deploy an assisted Global Positioning Satellite (“AGPS”) handset solution for its CDMA wireless network on a timeline different than that required by the Commission’s rules.^{8/} Like VoiceStream, ALLTEL has provided a detailed explanation of the technology-related issues and special circumstances that support its waiver request.

As ALLTEL explains, despite its best efforts, the unavailability of both switch upgrades and handsets will prevent it from rolling out its Phase II E911 location system consistent with the Commission’s deadlines.^{9/} First, although ALLTEL is using a handset-based solution, modifications must be made to its existing network infrastructure so that it will support Phase II services.^{10/} But ALLTEL’s switch vendors -- Motorola, Lucent and Nortel -- will not be able to provide the necessary switch upgrades in sufficient time for ALLTEL to deploy and test them and provide Phase II service in response to the earliest PSAP requests.^{11/} Other necessary network elements such as positioning determination equipment (“PDEs”) and a mobile positioning center (“MPC”) likewise may not be available in time for deployment and testing

^{7/} Id. at ¶ 56.

^{8/} ALLTEL Petition at 1.

^{9/} Id. at 8.

^{10/} Id. at 11.

^{11/} Id. at 11-12, 23.

before the Commission's deadlines.^{12/} Finally, ALLTEL's handset vendors, Motorola, Nokia, Kyocera, and Audiovox, cannot provide Phase II capable handsets in sufficient time for ALLTEL to comply with the Commission's Phase II timelines.^{13/}

ALLTEL nevertheless has provided a clear path to full compliance with the Commission's rules. In markets using Lucent switches, ALLTEL proposes to begin deploying AGPS by the end of the first quarter of 2002; in markets using Nortel switches, ALLTEL will begin deploying AGPS by the end of the second quarter of 2002; and in markets utilizing Motorola switches, ALLTEL will begin deploying AGPS by the end of the fourth quarter 2002.^{14/} Under this schedule, ALLTEL will upgrade its switches network-wide regardless of whether a PSAP request is received.^{15/}

With regard to the Commission's handset requirements, ALLTEL proposes to begin selling AGPS Phase II-compliant handsets in the second quarter of 2002.^{16/} ALLTEL will ensure that 25 percent of all new handsets activated will be location-capable by the third quarter of 2002; 50 percent of all new handsets activated will be location-capable by March 2003; and 100 percent of all new handsets activated will be location-capable by September 2003.^{17/} ALLTEL expects to meet the 95 percent milestone for its embedded subscriber base by December 31, 2005.^{18/}

^{12/} Id. at 12-13, 23.

^{13/} Id. at 13-16, 22-23.

^{14/} Id. at 23.

^{15/} Id. at 34.

^{16/} Id. at 22.

^{17/} Id. at 22-23.

^{18/} Id. at 23.

As for actually provisioning Phase II data to PSAPs, in order to ensure the availability of handsets and switch upgrades before testing, ALLTEL proposes to deploy and test both the network and handset components of AGPS through the second quarter of 2002 in markets using Lucent switches; through the second quarter of 2002 in markets using Nortel switches; and through the fourth quarter of 2002 in markets using Motorola switches.^{19/} ALLTEL also is willing to supply the Commission with quarterly updates on its Phase II compliance efforts.^{20/}

The public safety benefits of granting ALLTEL's waiver are clear. A AGPS solution will promote public safety by allowing ALLTEL to provide more accurate location information to PSAPs in its rural and suburban markets than would be possible using network-based solutions.^{21/} If the Commission were to require ALLTEL to implement a network-based solution, ALLTEL would still require a waiver because the accuracy requirements would not be attainable.^{22/} In addition, a network-based solution would add greater deployment challenges due to the need to install hardware at every individual cell site and to obtain necessary zoning or other approvals for such sites.^{23/} The superior accuracy and easy nationwide deployment of AGPS clearly make it the most appropriate solution for ALLTEL's CDMA network. As ALLTEL correctly states, enforcement of the Phase II E911 rules "should not punish carriers for the limitations of their vendors' capabilities. . . . [T]he Commission should not put carriers in a Catch-22 situation in which they are faced with the choice of either (1) enforcement action for having selected an [appropriate] solution that will work for its network and customers or (2)

^{19/} Id. at 23.

^{20/} Id. at 33.

^{21/} Id. at 17, 30.

^{22/} Id. at 10.

^{23/} Id. at 18.

being forced to do business with a vendor who has not yet demonstrated that its product will meet the Phase II requirements on the carrier's network."^{24/}

CONCLUSION

Because ALLTEL has demonstrated exceptional circumstances that satisfy the requirements for a waiver of the Phase II E911 implementation rules, its request for waiver should be granted.

Respectfully submitted,

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^{24/} Id. at 32.